

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. CR 09-3207 JB

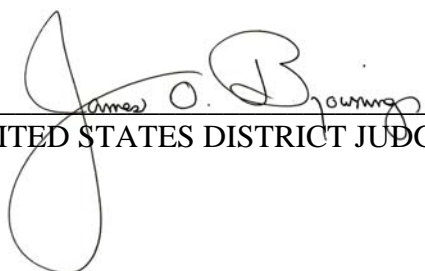
ANTHONY MIRABAL, DAVID AGUILAR,
and KEVIN GARNER,

Defendants.

ORDER

THIS MATTER comes before the Court on Defendant David Aguilar's Second Motion to Sever Defendants, filed July 22, 2010 (Doc. 103). The Court held a hearing on August 4, 2010. Before that hearing, counsel for Defendants Anthony Mirabal and Kevin Garner informed the Court that they were in the final stages of plea negotiations with the United States. Assistant United States Attorney John Anderson confirmed that plea agreements were imminent with respect to Mirabal and Garner. Mirabal and Garner have subsequently pled guilty. Moreover, Defendant David Aguilar's counsel indicated that she had no problem with the Court denying Aguilar's motion to sever as moot. Based on those representations, and because Aguilar is now the only Defendant remaining with unresolved charges against him, the Court will deny his Motion to Sever Defendants as moot.

IT IS ORDERED that Defendant David Aguilar's Second Motion to Sever Defendants is denied as moot.


UNITED STATES DISTRICT JUDGE

Counsel:

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